

CHAPTER 164

CONCURRENT ENROLLMENT PROGRAMS — WEIGHTING — EDUCATION STANDARDS — ACCREDITED NONPUBLIC SCHOOLS

S.F. 603

AN ACT relating to use of concurrent enrollment programs for teaching certain subjects required under the educational standards, to the enrollment of pupils under concurrent enrollment program agreements between certain accredited nonpublic schools and community colleges, and to the criminal offense of sexual exploitation by a school employee providing instruction under a concurrent enrollment program, making penalties applicable, and including retroactive and other applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I

CONCURRENT ENROLLMENT WEIGHTING AND COMPLIANCE WITH THE EDUCATIONAL STANDARDS

Section 1. [Section 257.11, subsection 3](#), paragraph b, unnumbered paragraph 1, Code 2019, is amended to read as follows:

If the school budget review committee certifies to the department of management that the class would not otherwise be implemented without the assignment of additional weighting, pupils attending a community college-offered class or attending a class taught by a community college-employed instructor are assigned a weighting of the percentage of the pupil's school day during which the pupil attends class in the community college or attends a class taught by a community college-employed instructor times seventy hundredths for career and technical courses or ~~forty-six~~ fifty hundredths for liberal arts and sciences courses. The following requirements shall be met for the purposes of assigning an additional weighting for classes offered through a sharing agreement between a school district and community college. The class must be:

Sec. 2. [Section 257.11, subsection 3](#), paragraph c, Code 2019, is amended to read as follows:

c. Notwithstanding paragraph "b", subparagraph (1), a school district that otherwise meets the requirements of [this subsection](#) may enter into a sharing agreement with a community college under which the community college may offer, or provide a community college-employed instructor to teach, one of the science or one of the mathematics units in accordance with [section 256.11, subsection 5](#), and one or more classes units in only one of the six career and technical education service areas specified in accordance with [section 256.11, subsection 5](#), paragraph "h", and the pupils. Pupils enrolled in such a class unit in accordance with this paragraph shall be assigned additional weighting in accordance with [this subsection](#) if the number of pupils enrolled in such a class unit exceeds five and the school district's total enrollment does not exceed six hundred pupils. A school district that enters into a sharing agreement with a community college under this paragraph to provide a unit of science or mathematics in accordance with [section 256.11, subsection 5](#), paragraph "a", "d", or "e", shall be deemed to have met the requirement that the school district offer and teach such a unit under the educational standards of [section 256.11, subsection 5](#), paragraph "a", "d", or "e". However, the provisions of this paragraph "c" relating to a sharing agreement for a unit of science or mathematics are applicable only if all of the following conditions are met:

(1) The school district has made every reasonable and good-faith effort to employ a teacher licensed under [chapter 272](#) for the science or mathematics unit, as applicable, and is unable to employ such a teacher. For purposes of this paragraph "c", "good-faith effort" means the same as defined in [section 279.19A, subsection 9](#).

(2) Enrollment for the unit exceeds five pupils.

(3) The unit is offered during the regular school day.

(4) The unit is made accessible by the school district to all eligible pupils.

Sec. 3. [Section 261E.2](#), Code 2019, is amended by adding the following new subsections:
NEW SUBSECTION. 05. “*Full-time*” means enrollment at any one eligible postsecondary institution through a school district or accredited nonpublic school in twenty-four or more postsecondary credit hours per academic year, exclusive of summer terms. Enrollment in a course or courses that result in credit hours in excess of the part-time limit shall be subject to applicable provisions of [this chapter](#) including [section 261E.6](#) or [261E.8](#), except that the cost of enrollment shall be the responsibility of the student, or parent or legal guardian of the student. The provisions of [section 257.11, subsection 3](#), and [section 261E.7](#) do not apply to such enrollments.

NEW SUBSECTION. 06. “*Part-time*” means enrollment at any one eligible postsecondary institution under [section 261E.6](#) or [261E.8](#) in no more than twenty-three postsecondary credit hours per academic year, exclusive of any summer terms.

Sec. 4. **NEW SECTION. 279.50A Educational standards — agreements for mathematics and science units.**

1. If a school district’s total enrollment exceeds six hundred pupils, the school district may enter into an agreement with a community college under which the community college may offer, or provide a community college-employed instructor to teach, one of the units in accordance with [section 256.11, subsection 5](#), paragraph “a”, one of the units in accordance with [section 256.11, subsection 5](#), paragraph “d” or “e”, and if the unit of coursework under the agreement meets the requirements specified in [section 257.11, subsection 3](#), paragraph “b”, subparagraphs (2) through (7), the unit offered shall be deemed to meet the education program requirement for a unit of mathematics or science, as applicable, under [section 256.11, subsection 5](#), paragraph “a”, “d”, or “e”. The provisions of [this subsection](#) are applicable only if all of the following conditions are met:

a. The school district has made every reasonable and good-faith effort to employ a teacher licensed under [chapter 272](#) for the unit of science or mathematics, as applicable, and is unable to employ such a teacher. For purposes of [this subsection](#), “*good-faith effort*” means the same as defined in [section 279.19A, subsection 9](#).

b. Enrollment for the unit exceeds five pupils.

c. The unit is offered during the regular school day.

d. The unit is made accessible by the school district to all eligible pupils.

2. Pupils enrolled in a unit of coursework offered pursuant to [subsection 1](#) are not eligible for supplementary weighting under [section 257.11, subsection 3](#).

Sec. 5. **RETROACTIVE APPLICABILITY.** The following applies retroactively to July 1, 2018, for a school district that entered into an agreement with a community college for coursework that meets the requirements of [section 279.50A](#), as enacted by this division of this Act:

The section of this division of this Act enacting [section 279.50A](#).

Sec. 6. **APPLICABILITY.** The section of this division of this Act amending [section 257.11, subsection 3](#), paragraph “b”, unnumbered paragraph 1, applies to certifications by the school budget review committee under [section 257.11, subsection 3](#), paragraph “b”, occurring before, on, or after the effective date of this division of this Act for school budget years beginning on or after July 1, 2019.

DIVISION II

CONCURRENT ENROLLMENT PROGRAM CONTRACTS BETWEEN ACCREDITED NONPUBLIC SCHOOLS AND COMMUNITY COLLEGES

Sec. 7. [Section 261E.2, subsection 1](#), Code 2019, is amended to read as follows:

1. “*Concurrent enrollment*” means any course offered to students in grades nine through twelve during the regular school year approved by the board of directors of a school district through a contractual agreement between a community college and the school district that meets the provisions of [section 257.11, subsection 3](#). “*Concurrent enrollment*” also means any course offered to students in grades nine through twelve during the regular school year

approved by the authorities in charge of an accredited nonpublic school through a contract with a community college in accordance with [section 261E.8, subsection 2](#), paragraph “b”.

Sec. 8. [Section 261E.8, subsection 2](#), Code 2019, is amended to read as follows:

2. a. Students from accredited nonpublic schools and students receiving competent private instruction or independent private instruction under [chapter 299A](#) may access the program through the school district in which the accredited nonpublic school or private institution is located.

b. (1) Students from accredited nonpublic schools may also access the program if the accredited nonpublic school in which the students are enrolled meets the requirements of [this section](#) and [section 257.11, subsection 3](#), as if the accredited nonpublic school were a school district, and enters into a contract with a community college that meets the requirements of [this section](#) and [section 257.11, subsection 3](#), for the provision of academic or career and technical coursework to high school students enrolled in the accredited nonpublic school. However, the accredited nonpublic school need not meet requirements for career and technical education more stringent than the requirements of [section 256.11B](#). A student who wishes to participate in the program must make application to the accredited nonpublic school and the community college in the manner established under [subsection 3](#) and meet the requirements of [this section](#).

(2) An accredited nonpublic school that provides units of mathematics, science, and career and technical education under an agreement that meets the requirements of subparagraph (1) shall be deemed to have met the education program requirement for the units of mathematics, science, and career and technical education provided, as applicable, under [section 256.11, subsection 5](#), paragraphs “a”, “d”, or “e”, or [section 256.11B](#).

(a) Subject to an appropriation of funds by the general assembly for this purpose, a student enrolled in a unit of coursework provided under this subparagraph shall be counted as if the student was assigned a weighting under [section 257.11, subsection 3](#), paragraph “b”, in determining the amount calculated and paid to a community college under subparagraph (4) if the accredited nonpublic school is accredited under the standards required of a school district pursuant to [section 256.11](#), the number of students enrolled in a class used to meet the unit requirement exceeds five, and the accredited nonpublic school’s total enrollment in grades nine through twelve does not exceed two hundred pupils.

(b) A student enrolled in a unit of coursework provided under this subparagraph is not eligible to be counted as if the student was assigned a weighting under [section 257.11, subsection 3](#), paragraph “b”, in determining the amount calculated and paid to a community college under subparagraph (4) if the accredited nonpublic school’s total enrollment in grades nine through twelve exceeds two hundred pupils.

(3) A community college that enters into a contract as provided in this paragraph shall submit to the department, during the fall and spring semesters, or the equivalent, a list of the accredited nonpublic school students enrolled for the semester, or the equivalent, who are participating in the program. The community college and the accredited nonpublic school shall verify to the department that the accredited nonpublic school and the coursework provided under this paragraph meet the requirements of [this section](#) and [section 257.11, subsection 3](#), and shall provide to the department data and information elements as required under [subsection 8](#) by rule.

(4) Subject to an appropriation of funds by the general assembly for this purpose, the department shall calculate, using the state cost per pupil, and pay to a community college for each semester in which a student is concurrently enrolled in the community college in accordance with this paragraph “b” an amount equivalent to the amount a school district would receive if the student was assigned a weighting under [section 257.11, subsection 3](#), paragraph “b”. If the amount appropriated annually for purposes of this paragraph “b” is insufficient to pay to community colleges the full amount for students concurrently enrolled in a community college in accordance with this paragraph “b”, the department shall annually prorate the amount for payments to community colleges for the concurrent enrollment of accredited nonpublic students under this paragraph “b”. A community college shall decrease the amount billed to the accredited nonpublic school by the amount calculated and paid to the community college by the department in accordance with this paragraph.

DIVISION III
SEXUAL EXPLOITATION BY A SCHOOL EMPLOYEE — DEFINITION

Sec. 9. [Section 709.15, subsection 1](#), paragraph f, subparagraph (1), Code 2019, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (f) A person employed by a community college full-time, part-time, or as a substitute who provides instruction to high school students under a concurrent enrollment program offered in accordance with [section 257.11](#) or [261E.8](#).

Approved May 23, 2019